

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4741

IN THE MATTER OF:

Served January 16, 1996

Application of CITY VISIONS, INC.,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-95-54

By application filed November 22, 1995, City Visions, Inc., a Virginia corporation, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

Applicant is under common ownership with Landmark Services Tourmobile, Inc., a passenger carrier operating on the Mall, and Aerolink, a passenger carrier operating on the grounds of Washington-Dulles International Airport.

Notice of this application was served on November 29, 1995, in Order No. 4708, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication. Applicant complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes commencing operations with one motorcoach. Applicant's proposed tariff contains transfer rates and hourly charter rates.

Applicant filed a balance sheet as of November 14, 1995, showing assets of \$31,000; a long-term note for \$30,000, payable to applicant's president/sole shareholder; and equity of \$1,000. Applicant's projected operating statement for the first twelve months of WMATC operations shows revenue of \$102,600; expenses of \$92,550; and net income of \$10,050.

Applicant certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --

(i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Applicant has a high debt-equity ratio, but all of applicant's debt is held by applicant's president/sole shareholder. We have found other applicants financially fit under similar circumstances.¹

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

Because applicant is under common control with another carrier, this case also is governed by Title II, Article XII, Section 3(a)(iii),² which provides that a "carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to . . . acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means." Under Section 3(c), the Commission may approve acquisition of control if it is consistent with the public interest. The public interest analysis focuses on the acquiring party's fitness, the interests of affected employees, the net benefits to the riding public and the resulting competitive balance.³

Our finding of applicant's fitness permits an inference of the acquiring party's fitness.⁴ Applicant's employees have an interest in seeing their employer obtain valuable new operating rights,⁵ and there is no evidence that the employees of applicant's affiliates will be substantially affected. The benefit to the riding public derives from the potential for increased competition among carriers in the Metropolitan District.⁶

¹ See eg., In re Capital Tours & Transportation (Virginia), Inc., No. AP-95-48, Order No. 4714 (Dec. 5, 1995) (loan from shareholder); In re Jet Tours USA, Inc., t/a City Tours, Wash., D.C., No. AP-94-50, Order No. 4649 (Aug. 22, 1995) (same); In re Escort Transport, Inc., No. AP-95-22, Order No. 4628 (July 7, 1995) (same).

² Order No. 4714 at 2; In re A-1 Transp., Inc., No. AP-94-25, Order No. 4370 (Aug. 19, 1994).

³ Order No. 4714 at 2; Order No. 4370 at 2-3.

⁴ Order No. 4370 at 3.

⁵ Order No. 4714 at 2; Order No. 4370 at 3.

⁶ Order No. 4370 at 3.

With respect to the resulting competitive balance, we see no adverse impact from granting this application. Only applicant will operate in our jurisdiction. We have no jurisdiction over the Tourmobile's operations on the Mall,⁷ or Aerolink's operations solely within Virginia.⁸ None of applicant's potential competitors entered a protest.

Accordingly, we find the proposed common control consistent with the public interest. Applicant must keep its assets, books, and operations separate from those of its affiliates.⁹

THEREFORE, IT IS ORDERED:

1. That City Visions, Inc., is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 332 is hereby assigned; and (g) a written statement notifying the Commission of applicant's street address pursuant to Commission Regulation No. 68.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 332 shall be issued to applicant.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

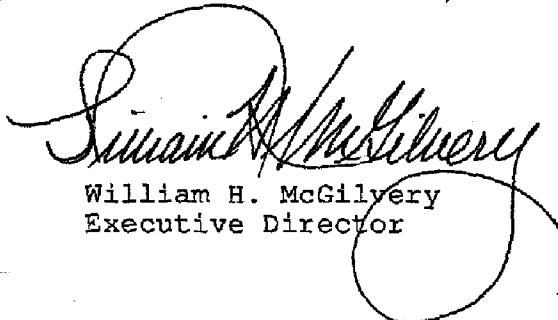
⁷ Universal Interpretive Shuttle v. WMATC, 393 U.S. 186 (1968).

⁸ Compact, tit. II, art. XI, § 3(e).

⁹ Order No. 4370 at 3.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND SHANNON:



William H. McGilvery
Executive Director